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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,742	11/21/2003	Todd Lewis	4676P046	1771

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EXAMINER

CHANG, YEAN HSI

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,742

Applicant(s)

LEWIS ET AL.

Examiner

Yean-Hsi Chang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5,12-17,19 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,12-17,19 and 26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/1/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 12-17, 19 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kfoury (US 6,549,789 B1) in view of Chen et al. (US 6,856,507 B2) and England (US 6,483,445 B1).

Regarding claims 1, 12 and 26, Kfoury teaches a data processing apparatus (for example 200, fig. 2) comprising: a body (202) having a surface (206) defining a first

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plane (206), the body comprising a first group of control elements (208) and a second group of control elements (1202, see fig. 12) for entering data and performing control operations, wherein the first group of control elements comprises a keyboard and the second group of control elements comprise a set of control buttons (see col. 6, lines 40-44), a display (204) having a display area (212) defining a second plane (210), the display directly coupled to the data processing apparatus at a pivot point (214) and rotatable around the pivot point from a first position (fig. 12) to a second position (fig. 2), wherein the display is viewable in both the first position and the second position (as shown in the figs. 12 and 2) and wherein both the first and second groups of control elements are exposed when the display is in the second position (fig. 2), and wherein only the second group of control elements are exposed when the display is in the first position (fig. 12), wherein the first plane and the second plane are substantially parallel when the display is in the first position (fig. 12), wherein the first plane and the second plane are not parallel when the display is in the second position (fig. 2), and wherein the display is substantially inverted when in the second position relative to the first position (comparing of figs. 2 and 12 shows this feature), a switch (228) configured to trigger when the display is rotated from the second position to the first position and image inversion logic to invert images on the display responsive to the switch triggering (see col.6, lines 45-65, a signal ... in accordance with the programmed operation mode of the device may include image inversion), a first operational mode and a second operational mode associated with the first position and second position, respectively, wherein the first and/or second plurality of control elements perform a first plurality of

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defined functions when the data processing apparatus is in the first operational mode (as shown in fig. 2) and perform a second plurality of defined functions when the data processing apparatus is in the second operational mode (as shown in fig. 12) (claims 1, 12 and 26).

Kfoury fails to teaches the first group of control elements comprises a keyboard.

Chen teaches a data processing apparatus (3, fig. 3) comprising a body (31) which comprises a first group of control elements (3110, fig. 3) comprising a keyboard (311) for user convenience.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kfoury with the keyboard taught by Chen for user convenience.

Regarding claims 2-3, 5, 13, 16-17 and 19, Kfoury further teaches an angle between the first plane and the second plane being adjustable over a specified range when the display is in the second position (fig. 2) (claim 2); wherein the first group of control elements are covered by the display and the second group of control elements are not covered by the display when the display is in the first position (shown in fig. 12) (claims 3 and 5); wherein the display motion mechanism comprises a rotation element (axis 304, fig. 3) providing rotation of the display within a first dimension (about 304) relative to the body, and a pin (along axis 302, not shown) rotatably coupled to the rotation element (shown in fig. 3), the pin providing rotation of the display within a second dimension (about 302) relative to the body (claim 13); wherein, when in the second position, the display motion mechanism carries the display over a range defined

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by a first angle (shown in fig. 2) between the first plane and the second plane and a second angle (shown in fig. 12) between the first plane and the second plane (claim 16); wherein the first group of control elements are covered by the display when the display is in the first position (fig. 12) (claim 17); wherein the second group of control elements are not covered by the display when the display is in the first position (shown in fig. 12) (claim 19).

Regarding claim 14, Kfoury discloses the claimed invention and further teaches the display motion mechanism comprising a chamber (shown in fig. 3, not labeled) for rotatably coupling the pin to the rotation element, except the pin is fixedly coupled to the display. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kfoury with the pin is fixedly coupled to the display instead to the body, since various different types of rotational mechanisms may be employed to allow the display screen to rotate as Applicants indicated in [0053] of the specification.

Regarding claim 15, Kfoury discloses the claimed invention except the display motion mechanism comprising one or more tracks formed on the data processing apparatus, and one or more pins formed on the display and engaging with the tracks to guide the display from the first position to the second position.

England teaches a data processing apparatus (10, fig. 1) comprising: a display motion mechanism (60) moveably coupling a display (20) to a body (32) and carrying the display from a first position (dotted lines in fig. 8A) to a second position (fig. 8B or 8C), including one or more tracks (46) formed on the data processing apparatus, and

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one or more pins (shown in fig. 6, not labeled) formed on the display and engaging with the tracks to guide the display from the first position to the second position as claimed in claim 15 for a user to position the display in an ergonomically comfortable location.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Kfoury with the display motion mechanism taught by England for a user to position the display in an ergonomically comfortable location.

Response to Arguments

4. Applicant's arguments with respect to claims 1, 12 and 26 have been considered but are moot in view of the new ground(s) of rejection. Additionally, in response to Applicants arguments that "(Kfoury) does not disclose that functionality of control elements changes based on the operational mode", and "it makes no reference to image inversion logic that responds to switch triggering as claimed by Applicants." It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex Parte Masham*, 2 USPQ2d 1647 (1987).

Correspondence


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yean-Hsi Chang whose telephone number is (571) 272-2038. The examiner can normally be reached on 07:30 - 16:00, Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the Art Unit phone number is (571) 272-2800, ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8558.

Yean-Hsi Chang
Primary Examiner
Art Unit: 2835
August 16, 2006



YEAN-HSI CHANG
PRIMARY EXAMINER